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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **IN AND FOR THE DISTRICT OF NEVADA**

11 SUSANA UPTON,

12 Plaintiff,

13 vs.

14 RESOLUTE CAPITAL PARTNERS  
15 LTD.,

16 Defendant.

Case No.: 3:21-cv-00270-LRH-WGC

**STIPULATION AND ORDER TO  
ALLOW PLAINTIFF TO FILE A  
SECOND AMENDED COMPLAINT**

17 IT IS HEREBY STIPULATED by and between Plaintiff SUSANA UPTON (“Plaintiff”),  
18 through her counsel, Mark Mausert, and Defendant RESOLUTE CAPITAL PARTNERS, LTD.  
19 (“Defendant”), through its counsel Simons Hall & Johnston PC, as follows:

- 20 1. Plaintiff’s First Amended Complaint was filed on July 16, 2021. Defendant filed its Motion  
21 to Dismiss First Amended Complaint on August 23, 2021. Plaintiff filed her Opposition to  
22 Defendant’s Motion to Dismiss on September 2, 2021. On September 2, 2021, the parties  
23 were notified of the Defendant’s correct name, RCP-LTD, LLC.
- 24 2. The parties agree that Plaintiff shall be permitted to file a Second Amended Complaint  
25 within 7 days of this filing for the limited purpose of changing the name to the proper  
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1 Defendant, RCP-LTD, LLC. Because the Plaintiff will only be changing the name of the  
2 Defendant, the Parties agree that briefing should continue on the pending Motion to  
3 Dismiss.

4 3. This Stipulation is made in good faith and not for the purpose of delay.

5  
6 DATED this 9<sup>th</sup> day of September, 2021.  
7 LAW OFFICE OF MARK MAUSERT

8 /s/ Mark Mausert  
9 Mark Mausert  
10 729 Evans Avenue  
11 Reno, Nevada 89512

12 *Attorney for Plaintiff*

DATED this 9<sup>th</sup> day of September, 2021.  
SIMONS HALL & JOHNSTON PC

8 /s/ Jonathan McGuire  
9 Anthony Hall  
10 Jonathan McGuire  
11 6490 S. McCarran Blvd., Suite F-46  
12 Reno, Nevada 89509

*Attorneys for Defendant*

13  
14  
15  
16 **ORDER**

17 IT IS SO ORDERED:

18  
19 William G. Cobb  
20 UNITED STATES MAGISTRATE JUDGE

21 DATED: September 9, 2021  
22  
23  
24  
25  
26